

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RODNEY GONZALEZ,

Plaintiff(s),
-against-

LONG ISLAND RAILROAD COMPANY,

Defendant(s).

08 CV 3568 (KRM/DF)

CONSENT TO PROCEED
BEFORE UNITED STATES
MAGISTRATE JUDGE

SOUTHERN DISTRICT OF NEW YORK

DOCUMENT

ELECTRONICALLY FILED

DOC #:

DATE FILED: 7-18-08

IT IS HEREBY STIPULATED by the undersigned:

1. All parties consent, pursuant to 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73, that a United States Magistrate Judge conduct all further proceedings in this action, including any trial and entry of final judgement.

2. Any appeal from a judgment entered in this case will lie to the Court of Appeals for the Second Circuit as from any other judgment of the district court pursuant to 28 U.S.C. § 636(c)(3) and Fed. R. Civ. P. 73(c).*

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(Separately executed forms may be submitted. See Fed. R. Civ. P. 73(b)).

SO ORDERED:

18 July 2008
Victor Marrero U.S.D.J.

Magistrate FREEMAN was assigned this case on _____.

J. MICHAEL MCMAHON, CLERK

By: _____
Deputy Clerk

*Under 28 U.S.C. § 636(c)(4) and (5) and Fed. R. Civ. P. 73(d), parties may stipulate to have the appeal lie instead to the district judge. If so, further appeal to the Court of Appeals may be had

only by leave of that court. If the parties wish to elect this optional appeal route, counsel should sign below.

Attorney(s) for Plaintiff(s)

Attorney(s) for Defendant(s)

Pursuant to Local Magistrate Rule 8(a), a copy of this Notice must be served with the complaint on all adversary parties, and attached to any third-party, complaint served by a defendant.

RIGHT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE

Pursuant to 28 U.S.C. § 636(c), Federal Rules of Civil Procedure 72-76, and the Local Magistrate Rules, the United States magistrate judges of the Southern District of New York have jurisdiction, with the consent of all parties, to conduct any or all proceedings in a civil case, including jury or non-jury trials, and order the entry of judgment. Trial before a magistrate judge proceeds in the same manner as trial before a district judge.

Pursuant to Local Magistrate Rules 8(c), the name of the magistrate judge to conduct consent proceedings is drawn by lot, unless a magistrate judge has previously acted in the matter, in which event the magistrate previously assigned will preside at the consent proceedings. *

In accordance with 28 U.S.C. § 636 (C)(3) and Fed. R. Civ. P. 73(c), appeal in a consent proceeding lies to the United States Court of Appeals for the Second Circuit as it would from any judgement of the district court. Alternatively, upon consent of all parties, appeals may be taken to the district judge; however, in cases in; which appeal is taken to the district judge, review by the Court of Appeals is by leave only. 28 U.S.C. § 636(c)(4) and (5); Fed. R. Civ. P. 7(d).

The decision to consent, or not to consent, to proceed before a magistrate judge under § 636(c) is entirely voluntary. Only if all the parties to the case consent to the reference will either the judge or magistrate be informed of the decision. Fed. R. Civ. P. 73(b).

The attached consent form should be signed by counsel for all parties and submitted to the Orders and Appeals Clerk in Room 14A of the Courthouse at Foley Square or Room 12 of the White Plains Courthouse.

*All consent proceedings in cases filed in White Plains are referred to the magistrate judge assigned to that court.